

Rubin v. NYCBOE
20-CV-10208-LGS-KHP

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Rubin v. NYCBOE
20-cv-10208-LGS-KHP

**Letter Motion for Stay pending receipt of Cases Cited.
[Docket # 257]
&
Pursuant to the Numerous Sua Sponte Dismissals**

IS THE NYC LAW DEPARTMENT SO INCOMPETENT
THAT GIVING THEM SIX UNREQUESTED SUA SPONTE DECREES
CAN POSSIBLY BE JUSTIFIED??
AND AGAINST ONE LITTLE PLAINTIFF?

January 20, 2023

Dear Honorable Judge Schofield;

In further review of the Magistrate's Report [See Notice Docket #257], it was found that there are multiple instances of Sua Sponte dismissal decisions. At last count I located 5, but I might have missed one. And there is the Sua Sponte decision to remove the defaults in January, 2022.

These are all assisting the New York City Law Department, one of the largest law departments in the state.

In KAPLAN, et al. v HEZBOLLAH, 2022, [Case 1:19-cv-03187-BMC-ST Document 116 Filed 06/21/22]* at NYED, the granting of one Sua Sponte dismissal was described as raising the appearance of the judge being partial, and representing the defendant. This case has repeatedly been referred to in this case.

Note that the Default related descriptions and timelines in the Report are all erroneous and contrary to the actual sequence of events. It intentionally distorts the facts. All of these are further proofs of severe judicial "bias", a complete and systemic lack of being remotely impartial.

And here you have granted six?

Isn't the NYC Law Department competent to represent itself? And against one little under resourced and injured individual plaintiff?

Each of the ones in the Report is justified by Sween. Note that the Sween case is a business law trademark case, and has nothing to do with the current issues. It is labeled by the Second Circuit as NOT precedential.

The justification is that the plaintiff may be heard in the form of Objections to the Magistrate's Report. But this will require much additional time and space to accomplish. Without additional time and space, there will be no effective opportunity to be heard. Or it would only be at the expense of all the other massive problems in the Report. This is not a reasonable or fair outcome. Instead, it is an in fact refusal to allow being heard at all.

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Proposed Resolution:

The first choice is for the Court to agree not to exercise such egregious abuse of discretion, and agree to remove them. With the pain in my arm, it would be better for me to not be forced to address so many falsehoods in the Report.

Alternatively, given the time and space problems the Sua Spontes cause, it seems that the Court should allow additional time and space to address these issues.

Request is made for an additional 5 pages and 2 days for each of the 5 Sua Sponte items, allowing an additional 25 pages and 2 weeks to complete the Objections to the Magistrate's Report.

A Stay is requested, pending my receipt of the copy of all cited cases.

Ten days should be added to the time, and an additional 25 pages allowed.

This Court has also shown egregious bias on the matter of conferring with the opposing party. I have repeatedly been falsely accused, while the NYC Law department has repeatedly failed to confer, refused to confer, and the Court has always allowed them.

NYC Law has a record of Failure to Cooperate with the Will Confer directive

I have sent an email inquiring to Att. Rosen. She has previously, as in January 2022, failed to give me a request to confer, as had Mr. Nasim repeatedly; and also Ms. Juarez left my request sitting for a week, and then sent me a response minutes before she sent off material direct to the court.

Please also note that the Letter Motion Docket 256, is pursuant to ADA, RA and the Judicial Conference, and it is not appropriate for the opposing party to have a say.

Thank you.

Respectfully Submit,

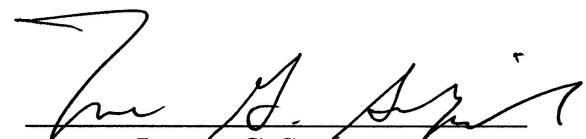
This 20th day of January, 2023

/ Lise Rubin Electronically signed.

Lise Rubin

677 Kent Ave.

Teaneck, NJ 07666



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

*Due to pain in arm and hand, I will not seek out the specific citation and quote, but it is on the record. **Application granted in part. Plaintiff's deadline to file written objections to the Report and Recommendation at Dkt. No. 255 is extended to February 2, 2023.**

Cc: VIA ECF

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Plaintiff is advised that no further extensions will be granted, and any late objection will not be considered. Plaintiff is granted an additional two pages for any objections, for a total of twelve pages.

By January 26, 2023, Defendants shall send to Plaintiff an electronic copy of each unpublished opinion cited in the Report and Recommendation.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 256 and 258 and to mail a copy of this Order to the pro se Plaintiff.

Dated: January 23, 2023
New York, New York